

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JASRA et al

Serial No. 10/693,643

Filed: October 27, 2003



Atty. Ref.: 4062-95

TC/A.U.: 1754

Examiner:

For: PROCESS FOR THE PREPARATION OF MOLECULAR
SIEVE ADSORBENT FPR SELECTIVE ADSORPTION OF
OXYGEN FROM AIR

* * * * *

July 8, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST/PETITION FOR RESETTING OF MAILING DATE
AND/OR REFUND OF TIME EXTENSION FEES**

On June 28, 2004, applicant responded to the Notice to File Missing Parts that bears an alleged mailing date of 01/28/2004 but which was first received by the undersigned's firm (by facsimile per our telephone request) only that same day, June 28, 2004. Accordingly, applicant is now petitioning and/or requesting for resetting of the alleged mailing date and/or a refund of the three months time extension fee paid with the response on June 28, 2004.

As established by the attached factual declaration, the undersigned's office did not ever receive a copy of either the filing receipt or the Notice to File Missing Parts via the US Postal Service. Instead, because of the lapse of time, the undersigned's secretary, Violet Charles, undertook a lengthy telephone investigation which ultimately culminated

in copies of these documents being sent by facsimile to Violet in the afternoon of June 28, 2004.

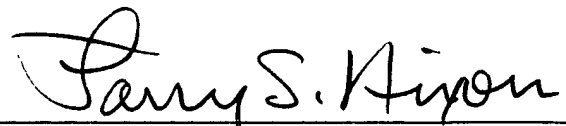
Obviously, something has happened outside the applicant's control (either at the Patent Office or at the US Postal Service) to cause a failure of communication in that the undersigned never received by mail either of these documents.

Under the circumstances, it is believed appropriate that the effective mailing date of the Notice to File Missing Parts be re-set to June 28, 2004 – the first date that such copy was ever received by the undersigned (albeit via facsimile rather than the US Postal Service). Further, and/or alternatively, it is requested that under these circumstances the three month time extension fee paid on June 28, 2004 is inappropriate and should be refunded to the applicant.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Larry S. Nixon
Reg. No. 25,640

LSN:vc
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

IFW
\$



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/693,643	10/27/2003	Raksh Vir Jasra	4062-95

DOCKETED

CONFIRMATION NO. 8904

FORMALITIES LETTER



OC00000011771665

NIXON & VANDERHYE, PC
1100 N GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 22201-4714

CLT/MATTER # 4062-95
MAIL DATE 1-28-04
DUE DATE June 28, 2004 w/ext
FINAL DEADLINE Aug. 28, 2004
DOCKETED BY pad/

Date Mailed: 01/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

O: Violet COMPANY:

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Core Patent Application of:

Atty. Ref.: 4062-95

JASRA et al

Serial No.: 10/693,643

Filed: October 27, 2003

Title: PROCESS FOR THE PREPARATION OF MOLECULAR SIEVE ADSORBENT FPR SELECTIVE ADSORPTION OF OXYGEN FROM AIR

DECLARATION OF PAUL D. CUSTEAD

**Assistant Commissioner
for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513**

Sir:

I, Paul D. Custead, am currently employed in the docketing department of Nixon & Vanderhye, P.C. of 1100 North Glebe Road, 8th Floor, Arlington, Virginia, 22201 (hereinafter referred to as N&V) and hereby state and declare as follows:

1. I was employed in the docketing department at N&V from March 24, 1997 to October 2000, and have been employed here since September 20, 2001. Prior to that time, I was employed in the docketing department for another patent law firm. I have performed docketing duties for patent and trademark applications for over 11 years.

2. My primary duties and responsibilities at Nixon & Vanderhye include docketing of all matters before the Patent and Trademark Office including the setting of response dates for Official Actions, USPTO Notices, Board of Patent Appeals and

Interferences Decisions and all other mail concerning U.S. filed patent and trademark applications, the recordation of all documents submitted to the Patent and Trademark Office including required government fees, the receipt and delivery of all Patent and Trademark Office documents to the appropriate attorneys in the firm, the filing of new patent cases in the U.S. Patent and Trademark Office and docketing certain litigation related papers received by N&V.

3. It is the practice of N&V, as reflected in my own duties, to review all Patent and Trademark Office documents received by N&V, to enter into our computer system as well as manually into a N&V log book, any applicable due dates for response, and to deliver such documents, with the appropriate file, to the attorney handling the matter. I am also responsible for providing each of the attorneys with monthly and daily computer printouts (known as attorney "prompts") for cases being handled by the individual attorneys. Approximately one to two days before the docketed response date, I distribute daily computer generated prompts to each attorney.

4. It is the practice of N&V to record all documents received from the Patent and Trademark Office on a daily basis into the computer system.

5. While this application was pending, N&V has no record in its computer system of the receipt of any Notice to Filing Missing Parts. A copy of the attorney prompts showing that we have been waiting to receive the Notice to File Missing Parts for this application (docket no. 4062-95) is attached. The entry shows that the Notice to File Missing Parts was not received.

6. Based on all of the documents and information available to me, I can only conclude that no Notice to File Missing Parts was received by N&V while this application was pending.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July 8, 2004


PAUL D. CUSTEAD

Vanderhye P.C.
Firm Name: Larry S. Nixon

Daily Docket List:

06/25/2004

P/b

Date	Dkt. No	PATENT Action Description	Action Notes 1st Inventor	Appln.No./	Cty	Atty
06/27/2004	2018-0676	Publication Fee Due (F) &&& 5 Day Reminder	KOBAYASHI, Hidetoshi	10/356,543	US	LSN RYM
06/27/2004	2635-0049	1st Action Resp -1 Ext.	IGASHIRA, Toshihiko	10/026,431	US	LSN MNL
06/27/2004	4062-0095	IDS Filed?	<i>Race</i> JASRA, Raksh V.	10/693,643	US	LSN
06/27/2004	4062-0095	Missing Parts Received?	<i>Race</i> JASRA, Raksh V.	10/693,643	US	LSN
06/27/2004	4062-0100	Missing Parts -2 Ext	<i>Race</i> CHOUDHARY, Vasant R.	10/721,796	US	LSN
06/28/2004	0036-1325	Notice of Appeal Due(F) &&& 10 Day Reminder	WIDDOWSON, Terrence	09/582,717	US	LSN RYM
06/28/2004	0036-1829	Application Date (F) &&& 20 Day Reminder	ATTWATER, David J.		US	LSN LMY
06/28/2004	0922-0174	Application Date (F)			US	LSN ECB
06/28/2004	2635-0114	Formal Drwns -1 Mo.C/U	MORI, Katsumi	10/173,119	US	LSN MNL